

ELLEN F. ROSENBLUM  
Attorney General  
JESSE B. DAVIS #052290  
Senior Assistant Attorney General  
Department of Justice  
100 SW Market Street  
Portland, OR 97201  
Telephone: (971) 673-1880  
Fax: (971) 673-5000  
Email: jesse.b.davis@doj.state.or.us

Attorneys for State Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RONALD-KENNETH STRASSER,

Plaintiff,

v.

STATE OF OREGON, by and through  
Governor Kate Brown; Kate Brown, in her  
individual capacity, Shelley Hoffman (STATE  
RISK MANAGER), Eric Machado  
CLACKAMAS COUNTY RISK AND  
SAFETY MANAGER, CLACKAMAS  
COUNTY SHERIFF, Craig Roberts, in his  
individual capacity, CLACKAMAS COUNTY  
SHERIFF, Dave Ellington, in his individual  
capacity, CLACKAMAS COUNTY SHERIFF  
DEPUTY'S; Daniel Joseph O'Keefe, Greg  
Keppler, and Morgan Guthner, in their private  
capacity, CAPTAIN David O'Shaughnessy, in  
his private capacity, SERGEANT Corey R.  
Smith in his private capacity, Katy Coba,  
Department of Administrative Services,  
CLACKAMAS COUNTY CIRCUIT COURT  
OFFICER, JUDGE Robert D. Herndon,  
CLACKAMAS COUNTY CIRCUIT COURT  
OFFICER, JUDGE Jeffery S. Jones,  
CLACKAMAS COUNTY CIRCUIT COURT  
OFFICER, JUDGE Thomas J. Rastetter,  
Debbie Spradley, TRIAL COURT

Case No. 3:19-cv-01051-SI

STATE DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION FOR DEFAULT

ADMINISTRATOR, CLACKAMAS  
COUNTY DISTRICT ATTORNEY John S.  
Foote, Assistant D.A. Christopher K.  
Haywood, County Administrator Donald  
Krupp, Chief Executive Officer Deputy Laurel  
Butman, Commissioner Ken Humberston,  
Oregon State Sheriffs Association, Pat Garrett,  
2017 OSSA President & Washington County  
Sheriff, Department of Public Safety Systems  
and Training, DPI Security (formerly DePaul  
Security Service), all Clerks of Clackamas  
County Court and their associates, all other  
deputy's, directly and indirectly involved, and  
John and Jane Does 1 to 100, et al., in equal  
fault (Black's Law 5<sup>th</sup>, p. 711; also see 42 CJS  
"indemnity" subsection 27

Defendants,

Joel Manley, Samantha Olson, Clackamas  
County Sheriff's Office Professional Standard  
Unit, Lieutenant Ken Boell, Captain Shane  
Strangfield, Detective Dan Smith

Respondents.

After finally making efforts to effectuate service of the Fourth Amended Complaint on the various defendants, Plaintiff has now filed a motion for an order finding all defendants in default for failure to respond to the Fourth Amended Complaint. ECF 96. The State Defendants (collectively, the State of Oregon, Governor Kate Brown, Shelley Hoffman, Katy Coba, Judge Robert Herndon, Judge Jeffrey Jones, Judge Thomas Rastetter, Debbie Spradley, John Foote, Christopher Heywood (misspelled as "Haywood" in the caption), and the Department of Public Safety Standards and Training), appearing specially and without waiver of any defense, including the immunity conferred by the Eleventh Amendment to the United States Constitution, respectfully request that the Court deny plaintiff's motion.

The State Defendants have already appeared and defended themselves against the Fourth Amended Complaint by filing a motion to dismiss (ECF 52), and the Court has issued an order granting that motion and dismissing the Fourth Amended Complaint with prejudice as against

the State Defendants. *See* ECF 68 (Opinion and Order). The State Defendants are not in default. The motion should be denied.

Consistent with the dismissal, State Defendants are filing, contemporaneously with this response, a motion that the Court enter a limited judgment so that this matter can be conclusively resolved in their favor and they can be free from plaintiff's harassing filings.

DATED May 8, 2022.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

*s/ Jesse B. Davis*

JESSE B. DAVIS #052290  
Senior Assistant Attorney General  
Trial Attorney  
Tel (971) 673-1880  
Fax (971) 673-5000  
jesse.b.davis@doj.state.or.us  
Of Attorneys for State Defendants

**CERTIFICATE OF SERVICE**

I certify that on May 8, 2022, I served the foregoing STATE DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR DEFAULT upon the parties hereto by the method indicated below, and addressed to the following:

Ronald Kenneth Strasser  
151 S. Scott Street, Apt. #2  
Carlton, OR 97111  
*Pro Se Plaintiff*

\_\_\_ HAND DELIVERY  
X MAIL DELIVERY  
\_\_\_ OVERNIGHT MAIL  
\_\_\_ TELECOPY (FAX)  
X E-MAIL  
*ronaldkennethstrasser@mail.com*

*s/ Jesse B. Davis*  
JESSE B. DAVIS #052290  
Senior Assistant Attorney General  
Trial Attorney  
Tel (971) 673-1880  
Fax (971) 673-5000  
*jesse.b.davis@doj.state.or.us*  
Of Attorneys for State Defendants